

## COMMITTEE REPORT

### MR. PRESIDENT:

**The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1757, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 2, delete lines 6 through 14, begin a new paragraph and insert:
- 2           "SECTION 2. IC 25-26-13-18, AS AMENDED BY P.L.187-1999,
- 3           SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2003]: Sec. 18. (a) To be eligible for issuance of a pharmacy
- 5           permit, an applicant must show to the satisfaction of the board that:
- 6               (1) Persons at the location will engage in the bona fide practice of
- 7               pharmacy. The application must show the number of hours each
- 8               week, if any, that the pharmacy will be open to the general public.
- 9               (2) The pharmacy will maintain a sufficient stock of emergency
- 10              and frequently prescribed drugs and devices as to adequately
- 11              serve and protect the public health.
- 12              (3) Except as provided in section 19 of this chapter, a registered
- 13              pharmacist will be in personal attendance and on duty in the
- 14              licensed premises at all times when the practice of pharmacy is
- 15              being conducted and that the pharmacist will be responsible for
- 16              the lawful conduct of the pharmacy.
- 17              (4) One (1) pharmacist will have not more than four (4)
- 18              ~~unlicensed persons~~ **certified pharmacy technicians or**
- 19              **pharmacy technicians in training certified under IC 25-26-19**

under the pharmacist's immediate and personal supervision at any time. As used in this clause, "immediate and personal supervision" means within reasonable visual and vocal distance of the ~~licensed person~~: **pharmacist**.

(5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:

(A) be stationary;

(B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;

(C) be well lighted and ventilated with clean and sanitary surroundings;

(D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

A pharmacy licensed under IC 25-26-10 (before its repeal on July 1, 1977) on June 30, 1977, must comply with the provisions of this clause before December 31, 1982, unless for good cause shown the board grants a waiver or otherwise exempts it.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area."

Page 3, line 27, delete "The board must approve an application for a pharmacy" and insert "**An applicant:**

**(1) may work as a pharmacy technician in training without a**

1 permit for not more than thirty (30) consecutive days after the  
 2 applicant files an application under this section;

3 (2) shall provide the applicant's employer with a receipt  
 4 issued by the board that:

5 (A) provides the date an application under this section was  
 6 filed; and

7 (B) indicates that the fee has been paid;  
 8 before the applicant may begin work as a pharmacy  
 9 technician in training; and

10 (3) may request an additional thirty (30) day period to  
 11 practice as a pharmacy technician in training without a  
 12 permit. The board may approve a request under this  
 13 subdivision if the board determines that the extension is for  
 14 good cause."

15 Page 3, delete lines 28 through 29.

16 Page 5, line 5, delete "chapter." and insert "**chapter or the**  
 17 **individual is acting as a pharmacy technician in training during the**  
 18 **period permitted under section 6(b) of this chapter.**".

19 Page 5, line 16, delete "IC 27-8-31" and insert "IC 27-8-31.2".

20 Page 5, line 19, delete "Chapter 31." and insert "**Chapter 31.2.**".

21 Page 6, delete lines 11 through 13.

22 Page 6, line 14, delete "(c)" and insert "**(b)**".

23 Page 6, line 14, delete "IC 27-8-31," and insert "**IC 27-8-31.2,**".

24 Page 6, line 17, delete "(d)" and insert "**(c)**".

25 Page 6, after line 37, begin a new paragraph and insert:

26 "SECTION 9. [EFFECTIVE JULY 1, 2003] **(a) As used in this**  
 27 **SECTION, "board" refers to the board of pharmacy established**  
 28 **by IC 25-26-13-3.**

29 **(b) Before December 31, 2003, the board shall adopt rules to set**  
 30 **the pharmacy technician certificate fee at twenty-five dollars (\$25)**  
 31 **in compliance with IC 25-1-8 and as allowed under IC 25-26-19, as**

- 1       **added by this act.**
- 2       **(c) This SECTION expires December 31, 2004."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1757 as reprinted February 26, 2003.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 10, Nays 0.

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**Miller**

**Chairperson**